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PTO/SB/21 (03-03)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/057,323	
	Filing Date	01/25/2002	
	First Named Inventor	Harry R. Davis, et al.	
	Art Unit	1617	
	Examiner Name	Mojdeh Bahar	
Total Number of Pages in This Submission	4	Attorney Docket Number	CV01489K

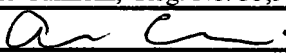
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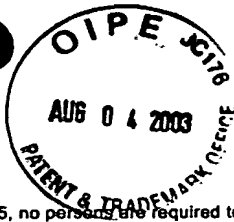
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Attorney Docket No.: CV01489

Application No.: 10/057,323

Filing Date: 01/25/2002

Inventor: Harry R. Davis et al.



PTO/SB92 (08-00)

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Documents submitted:

Response Transmittal Form PTO/SB/21 - 1 Page

Response to Restriction Requirement and Election Species - 2 Pages

Certificate of Mailing - 1 Page

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Re Patent Application of:
Harry R. Davis et al.

Serial No.: 10/057,323

Filed: January 25, 2002

For: Combinations of Peroxisome
Proliferator-Activated Receptor
(PPAR) Activator(s) and Sterol
Absorption Inhibitor(s) and
Treatments for Vascular
Indications

Examiner: Mojdeh Bahar

Group Art Unit: 1617

Atty. Docket No.: CV01489K

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RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES

This is in response to the Office Action mailed on July 2, 2003, in the above-identified patent application.

Claims 1-101 are pending in the application. A two-way restriction requirement was set forth at page 2 of the Office Action and an election of species requirement was set forth at pages 3-4 of the Office Action. For brevity, these rejections are not repeated herein but reference is made to the Office Action. Applicants respectfully traverse and request reconsideration and withdrawal of the restriction and election of species requirements.

Applicants believe that when there is a linking claim encompassing the scope of pharmaceutical compositions comprising compounds and methods of treatment using the compositions, it is inappropriate to restrict the invention. Applicants believe that due to such commonality a complete examination of claims 1-101 would not cause undue burden. Therefore, reconsideration and withdrawal of the restriction requirement is respectfully requested.

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Ann Cannoni
Registration No. 35,972



**PROVISIONAL RESPONSE TO RESTRICTION REQUIREMENT AND
ELECTION OF SPECIES**

To facilitate prosecution of the application and in order to comply with the Examiner's requirements, Applicants hereby provisionally elect with traverse the claims of Group 1 (claims 1-34, 37-40, 42-48, 53-54, 56, 58-59, 61, 63-64, 66, 68-69, 71, 73-74, 76, 78-79, 81, 83-84, 86, 88-91 and 93-101) for initial examination in this application.

Applicants provisionally elect with traverse fenofibrate as the peroxisome proliferator-activated receptor (PPAR) activator for initial examination. Fenofibrate is disclosed at page 23, line 19 and elsewhere throughout the application. The claims readable thereon include claims 1-4, 11-43, and 45-87.

Applicants provisionally elect with traverse the compound of Formula (II) (ezetimibe) (shown at page 32 of the specification) for initial examination in this application. The claims readable thereon include claims 1-52 and 88-101.

Applicants provisionally elect with traverse niacin for initial examination in this application. Niacin is disclosed at page 68, line 20 and elsewhere throughout the application. The claim readable thereon is claim 21.

Applicants provisionally elect with traverse treating or preventing a vascular condition for initial examination in this application. The claims readable thereon include claims 35-36, 41, 49-52, 55, 57, 60, 62, 65, 67, 70, 72, 75, 77, 80, 82, 85, 87 and 92.

Examination on the merits for claims 1-101 is respectfully requested.

Respectfully submitted,

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Date: August 1, 2003


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